

GEOGRAPHIC AREA, ORR, CONTRIBUTION TO NIE 61-60

THE OUTLOOK FOR BURMA

CIA/RR GP 60-43:1.

(ORR Project 61.1798)

16 March 1960

Supplement to CIA/RR G/I 59-47, dated 12 October 1959

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CENTRAL INTELLIGENCE AGENCY

Office of Research and Reports

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On 28 January 1960, the governments of China and Burma signed a border agreement. The principal features of this agreement are summarized below, together with comments upon certain sections of the pact.

Article 1 provides for the immediate establishment of a joint committee composed of an equal number of delegates (exact number unspecified) from each country to discuss and work out solutions to the questions enumerated in subsequent articles. The joint committee is enjoined to conduct boundary surveys, erect boundary markers, and draft a final Burma-China boundary treaty. Regular meetings of the committee are to be held in the respective national capitals or at any other place in the two countries (no sequence stated).

Article 2 states that the contracting parties agree that the existing issues concerning the Burma-China boundary shall be settled in accordance with the following provisions:

(1) The section of the boundary north from the "high conical peak" (25°35'N) to the western extremity (the portion of the boundary never formally defined) will follow the watershed -- with the one exception noted in paragraph (2), below. This boundary, which is the one normally shown on western maps, is essentially the Irrawaddy-Salween watershed. One traditional exception to the Irrawaddy-Salween watershed line, however, has been the inclusion of most of the Tulung (Taron) -- an

Irrawaddy tributary -- within China. The present agreement reaffirms this exception, and indicates approximately the place where the border is to cross the Tulung.

(2) The three villages of Hpimaw, Gawlum, and Kangfang -- all of which are located west of the watershed and are now administered by Burma -- are to be transferred to China. The joint committee will survey and mark the exact areas to be transferred. (On the basis of earlier proposals and maps exchanged between the two countries the Burmese Government believes that the total area will amount to about 100 square miles).

(3) The Namwan Assigned Tract that was legally Chinese territory but "perpetually leased" and administered by the Government of Burma according to the terms of an 1897 convention is to become Burmese territory. In exchange, some territory in the Wa States, now belonging to Burma, is to be ceded to China, specifically those portions of the Panhung and Panglao tribal areas (which straddle the existing border) that shall be adjudged by the joint committee to be located on the Burma side of the present border. The two countries agree that the present border is the one defined by an exchange of notes (and appended map) between Great Britain and China in 1941, although this line is not demarcated on the ground. (Burmese officials believe that the portion of Wa States territory to be transferred to China will be about 60 to 70 square miles, assuming that previous Chinese claims in this area remain the same).

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Except for the adjustment mentioned in paragraph (3), the 200-mile border in the Wa States is to be demarcated on the ground in accordance with the 1941 exchange of notes. (This is the line commonly shown on Western maps).

Article 3 states that after solutions to the issues discussed in Article 2 are worked out, the joint committee will draft a Burma-China treaty that will cover "not only all the sections of the boundary as mentioned in Article Two of the present Agreement, but also the sections of the boundary which were already delimited in the past and need no adjustment." The new treaty will replace all previous treaties and notes concerning the Burma-China boundary.

Article 4 states that the present agreement will be ratified as soon as possible; that it will come into force upon exchange of the instruments of ratification; but that it will cease to be in effect upon the signing and coming into force of the new Burma-China boundary treaty discussed in Article 3.

The most significant aspect of the border agreement, other than the actual signing of the agreement, is that the boundary, with two minor exceptions, will be demarcated according to the Burmese (and also Western) version of the border, and that this settlement apparently has been accepted by China. Thus, the vast claims involving thousands of square miles (part of the Kachin State and all of the Wa States) that are shown on Chinese Communist maps have now been reduced to a probable few hundred square miles of present Burmese territory that will be acquired by the Chinese.

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Another result of some consequence is the Chinese acceptance of that part of the northern Burma-China boundary that forms the eastern end of the McMahon Line. Such acceptance by Peking of a part of the McMahon Line has obvious implications in future negotiations over the China-India border.

Even if the Chinese do not deliberately stall and obstruct the implementation of the border agreement, the joint committee will face many real problems. Although the frontier areas to be transferred are small, it will be difficult to survey them and to demarcate this part of the boundary because of the rough mountainous terrain in which the areas are located and the lack of transportation facilities. It is unlikely that a joint committee can be appointed much before the onset of the wet monsoon (June), and therefore it would appear that the earliest likely opportunity for beginning a field survey will be during the 1960-61 dry season (October-May). Furthermore, the agreement stipulates that several hundred miles of undemarcated boundary will be surveyed and demarcated, which also involves determining the watershed north of 25°35'N. Although the problems need not be insurmountable, particularly if preliminary agreement is reached on the basis of maps and recent border photography, considerable time may elapse after the joint committee is formed before the appointed tasks can be completed.

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